

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6639**

**BILL NUMBER:** SB 295

**NOTE PREPARED:** Dec 30, 2013

**BILL AMENDED:**

**SUBJECT:** Commercial Dog Breeder Regulation.

**FIRST AUTHOR:** Sen. Waterman

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that standards of care and certain other requirements applicable to commercial dog breeders and brokers also apply to private animal rescue operations. It requires registration of private animal rescue operations with the Board of Animal Health and payment of an annual registration fee of \$75. The bill also prohibits a unit from enacting or enforcing an ordinance that imposes more stringent requirements on a commercial dog breeder, commercial dog broker, or private animal rescue operation than those established by statute, and creates a cause of action against a unit that violates this prohibition.

**Effective Date:** July 1, 2014.

**Explanation of State Expenditures:** *Board of Animal Health:* This bill requires the Board of Animal Health to register private animal rescue operations and provide notice to them 30 days before their registration expires. The costs associated with registration should be offset by registration fees.

**Explanation of State Revenues:** *Animal Rescue Operation Registration Fees:* This bill requires private animal rescue operations to register with the Board of Animal Health and pay annual registration fees of \$75. The fees will be deposited in the Animal Rescue Operation Fund established by this bill. The number of private animal rescue operations in Indiana is unknown.

*Animal Rescue Operation Fund:* This bill establishes the Animal Rescue Operation Fund to be administered by the Board of Animal Health. The fund will consist of registration fees from animal rescue operations. Money remaining in the fund at the end of a fiscal year will not revert to the state General Fund. Money in the fund is for the following purposes:

- (1) The inspection of animal rescue operations by the Board of Animal Health; and
- (2) The enforcement by the board of laws concerning animal rescue operations.

*Penalty Provisions:* The bill establishes the following penalties concerning animal rescue operation registration:

- (1) A Class A misdemeanor for knowingly or intentionally failing to register as an animal rescue operation, plus two times the amount of the registration fee (fees collected under this penalty are placed in the Animal Rescue Operation Fund); and
- (2) A Class A misdemeanor for knowingly or intentionally making a material misstatement on a registration.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit or superior court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the automated record keeping fee (\$5), judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund.

*Court Fee Revenue:* The bill provides a cause of action for a person adversely affected by an ordinance that violates the bill's prohibition of allowing local units to impose requirements that are more stringent than state laws concerning commercial dog breeders, commercial dog brokers, or private animal rescue operations. If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

In addition, some or all of the judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Revenue from the pro bono services fee (\$1) is transferred by the State Auditor to the Indiana Bar Foundation for use to assist with pro bono legal services programs in Indiana. And proceeds from the automated record keeping fee (\$7) are deposited into the state User Fee Fund.

Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

**Explanation of Local Expenditures:** *Penalty Provisions:* A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** *Penalty Provisions:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Persons found guilty of a felony or misdemeanor are also required to pay the document storage fee (\$2), which is deposited into

the clerk record perpetuation fund, and the jury fee (\$2) and the law enforcement continuing education fee (\$4), which are both deposited in the county user fee fund.

*Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge, depending upon the particular type of case.

Persons filing a civil case are also required to pay the following fees that are deposited in local funds.

The document storage fee (\$2) is deposited into the clerk record perpetuation fund.

The following fees are deposited into the general fund of the county in which the court is located:

- Document fees (\$1 per document) are charged for preparing transcripts or copies of record or certificate under seal.
- Service fee (\$10) collected from the filing party for each defendant beyond the first cited in the lawsuit.

**State Agencies Affected:** Board of Animal Health.

**Local Agencies Affected:** Counties, municipalities, and townships; Trial courts, local law enforcement agencies.

**Information Sources:**

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